

**TITLE 6A. DEPARTMENT OF EDUCATION**  
**CHAPTER 30. EVALUATION OF THE PERFORMANCE OF SCHOOL DISTRICTS**

**SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS**

**§ 6A:30-1.1 Purpose and scope**

(a) The purpose of this chapter is to establish rules to implement the New Jersey Quality Single Accountability Continuum (NJQSAC) system, as required by *N.J.S.A. 18A:7A-3* et seq., for evaluating and monitoring all public school districts in the State. NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal programs. NJQSAC is also intended to complement, and serve in part to implement, Federal requirements. Under NJQSAC, public school districts are evaluated in five key component areas of school district effectiveness--instruction and program, personnel, fiscal management, operations and governance--to determine the extent to which public school districts are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated will assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for support and assistance provided by the State. Under NJQSAC, once a public school district is identified as requiring assistance in one or more of the five areas of school district effectiveness, the Department and the public school district will work collaboratively to improve public school district performance in those targeted areas. The measures used to achieve this goal include evaluations of the public school district by the Department, development of a school district improvement plan, close monitoring of the implementation of the plan, and the provision of technical assistance as appropriate. NJQSAC also provides that in circumstances where a public school district fails to develop or implement an improvement plan as required, or other emergent circumstances warrant, the Department may seek partial or full intervention in the public school district to effect the changes necessary to build local capacity to provide a thorough and efficient education.

(b) This chapter sets forth the steps the Department will undertake to implement *N.J.S.A. 18A:7A-3* et seq., which include a three-year evaluation process, placement of the public school district on a performance continuum, improvement and intervention activities and the periodic monitoring of progress.

(c) These rules shall apply to all public school districts in the State of New Jersey as defined in *N.J.S.A. 18A:8-1* et seq. and *18A:13-1* et seq., with the exception of charter schools and Educational Services Commissions and shall include county vocational-technical school districts established pursuant to *N.J.S.A. 18A:54-1* et seq., with the exception of those county vocational technical school districts that provide only shared time services, and county special services school districts established pursuant to *N.J.S.A. 18A:46-29* et seq.

**§ 6A:30-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Administrative order" means a written directive ordering specific corrective action by a school district which has shown insufficient compliance with the quality performance indicators.

"Assistant Commissioner" means an Assistant Commissioner or designee, in the Department of Education.

"Chief School Administrator" or "CSA" means the superintendent of a public school district or vocational school or if there is no superintendent, the administrative principal.

"Commissioner" means the Commissioner of Education or his or her designee.

"Components of school district effectiveness" means the areas in which school districts will be evaluated under NJQSAC. They are:

1. Instruction and program;
2. Operations;
3. Fiscal management;
4. Personnel; and
5. Governance.

"Comprehensive review" refers to the evaluation process conducted by the Department of each public school district pursuant to this chapter to measure each public school district's performance, capacity, and need for State support, assistance or intervention. The comprehensive review shall be based on the weighted quality performance indicators developed by the Department and set forth in the District Performance Review incorporated in this chapter as the chapter Appendix.

"Department" means the New Jersey Department of Education.

"District Performance Review" or "DPR" consists of the quality performance indicators in all of the five key components of school district effectiveness. The District Performance Review shall be developed by the Department and shall be used by the Department to evaluate the performance of public school districts pursuant to the procedures set forth in this chapter. The District Performance Review is located in the chapter Appendix, and is incorporated herein by reference.

"Evaluation team" means a team designated by the Commissioner and qualified by training and experience to examine specific conditions existing in a public school district.

"Evidence based" means a program or service that has demonstrated success based on research, best practices or other forms of evidence.

"High performing school district" is a designation assigned to a public school district that satisfies at least 80 percent of the weighted performance indicators in each of the five key components of school district effectiveness.

"Highly skilled professional" or "HSP" means a designee of the Commissioner who has skills and expertise based on education and/or experience that is relevant to one or more of the five key components of school district effectiveness. Among other functions, HSPs may assist the Department in evaluating public school district performance, provide direct oversight in one or more areas during partial or full State intervention in a public school district, and/or assist public school districts in developing local capacity in areas of critical need identified through the comprehensive review, pursuant to the procedures set forth in this chapter. HSPs may be Department employees.

"In-depth evaluation" means a process that may be authorized by the Commissioner to evaluate public school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness as determined by the Department based on the comprehensive review. In-depth evaluations shall be conducted by a team of individuals which may include Department employees and/or highly skilled professionals.

"NJQSAC" means the New Jersey Quality Single Accountability Continuum.

"NJQSAC District Improvement Plan" means a plan developed, in collaboration with the Department, by a school district that fails to satisfy at least 80 percent of the weighted quality performance indicators in any of the five key components of school district effectiveness, and that addresses critical areas of need identified through the comprehensive review.

"Performance continuum" is a measure which identifies a public school district's performance with respect to each of the five components of school district effectiveness.

"Quality performance indicators" or "weighted quality performance indicators" are the specific, objective criteria for each key component of school district effectiveness by which each public school district's performance, capacity, and need for State support, assistance or intervention are measured. The quality performance indicators are set forth in the District Performance Review at the chapter Appendix.

"State Board" means the New Jersey State Board of Education.

"Statement of Assurance" means the section of the District Performance Review that verifies the accuracy of the responses on the school district's District Performance Review.

"Technical assistance" means guidance and support provided to a public school district to enable the public school district to meet State and Federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education. Technical assistance may, among other things, support the teaching and learning process and overall school district effectiveness. Technical assistance may be provided by Department personnel or other designees of the Commissioner.

## **SUBCHAPTER 2. NJQSAC COMPONENTS OF SCHOOL DISTRICT EFFECTIVENESS AND INDICATORS**

### **§ 6A:30-2.1 Components of school district effectiveness**

(a) The Department shall evaluate and monitor public school districts' performance and capacity in five key components of school district effectiveness. They are:

1. Instruction and program;
2. Personnel;
3. Fiscal management;
4. Operations; and
5. Governance.

(b) In assessing public school district performance and capacity in these component areas, the Department shall use objective measures and shall consider public school district improvement and growth.

#### **§ 6A:30-2.2 Quality performance indicators of school district effectiveness**

(a) The Department shall establish weighted quality performance indicators to measure public school district performance and capacity in each of the five key components of school district effectiveness.

(b) The weighted quality performance indicators are set forth in the District Performance Review, incorporated in this chapter as the chapter Appendix.

(c) The weighted quality performance indicators shall be used by the Commissioner to assess school district performance and capacity during the comprehensive reviews pursuant to *N.J.A.C. 6A:30-3.1* through *3.4*, the in-depth evaluations pursuant to *N.J.A.C. 6A:30-5.3* and monitoring pursuant to *N.J.A.C. 6A:30-5.6*. The weighted quality performance indicators shall also be used by the Commissioner in determining whether to initiate intervention activities pursuant to *N.J.A.C. 6A:30-6.2*, withdrawal from intervention pursuant to *N.J.A.C. 6A:30-7.1*, and initial placement of Level II, Level III and State-Operated School Districts on the performance continuum pursuant to *N.J.A.C. 6A:30-8.3*.

### **SUBCHAPTER 3. COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS**

#### **§ 6A:30-3.1 General requirements**

(a) Once the initial transition to the NJQSAC monitoring and evaluation system pursuant to *N.J.A.C. 6A:30-8* has been completed, the Commissioner shall conduct a comprehensive review of each public school district every three years. In the intervening years between each public school district's three-year review, the Commissioner shall assess the public school district's performance to determine whether conditions exist in the school district that significantly and negatively impact the educational program or operations of the school district. Upon a determination that such conditions exist in a school district, the Commissioner may direct that the Department immediately conduct a comprehensive review of the public school district as set forth in this section.

(b) The comprehensive review shall be based on the weighted quality performance indicators developed by the Department. Unless *N.J.A.C. 6A:30-3.1(d)*, *3.4* or *8.3* applies, the comprehensive review shall commence with the completion of the District Performance Review by each public school district, followed by verification of that report and review of other relevant data and information by the Department. It may also include one or more on-site visits to public school district facilities by Department staff.

(c) The Commissioner shall direct the County Superintendent and other appropriate Department staff to provide timely notification to each public school district of the procedures for the comprehensive review.

(d) The Commissioner may determine that a public school district need not provide a District Performance Review as part of the comprehensive review with respect to those components of

school district effectiveness for which the public school district is implementing a school district improvement plan pursuant to *N.J.A.C. 6A:30-5.4* to 5.5 and is subject to Department monitoring pursuant to *N.J.A.C. 6A:30-5.6*.

### **§ 6A:30-3.2 District Performance Review**

(a) As part of the comprehensive review, unless *N.J.A.C. 6A:30-3.1(d)*, 3.4 or 8.3 applies, each public school district shall complete a District Performance Review, which consists of a self-assessment tool developed by the Department that measures the public school district's compliance with the weighted quality performance indicators in all five areas of school district effectiveness. The District Performance Review is incorporated in this chapter as the chapter Appendix.

(b) In order to complete the District Performance Review, the Chief School Administrator shall take the following steps:

1. Convene a committee to assist in completing the District Performance Review. The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint the following persons to the committee, and, in his or her discretion, may include other persons on the committee with the approval of the district board of education:

- i. The Chief School Administrator;
- ii. One or more members of the administrative staff in the public school district;
- iii. One or more teaching personnel, representative of different grade levels and/or schools in the public school district;
- iv. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate public school district level personnel as determined by the Chief School Administrator;
- v. One or more member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel required under 3.2(b)1iii above; and
- vi. One or more members of the district board of education selected by the district board of education.

2. Ensure that the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;

3. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;

4. Ensure that the responses in the public school district's District Performance Review encompass and reflect the circumstances that exist in the school district; and

5. Ensure that all responses to the District Performance Review can be verified by data and supporting documentation or otherwise and provide this verification to the Department upon request.

(c) The County Superintendent shall provide technical assistance as needed to the Chief School Administrator and the committee utilized by the public school district to complete the District Performance Review.

(d) The district board of education may establish a subcommittee of the district board of education to consult with the committee formed to complete the District Performance Review. The district board of education may also monitor the progress of the committee completing the District Performance Review by requiring periodic reporting to the school board at public meetings.

(e) Upon completion of the District Performance Review, the CSA shall sign a statement of assurance attesting to the accuracy of the responses in the report to the best of his or her knowledge. Each member of the committee shall be given the opportunity to sign the statement of assurance to attest to his or her participation in completion of the District Performance Review. If a member of the committee refuses to sign the statement of assurance the name of such member shall be written on the form, with the notation "refused to sign."

(f) The District Performance Review and the statement of assurance shall be approved by the district board of education by resolution. The District Performance Review, statement of assurance and the minutes of all district board of education meetings at which the District Performance Review was discussed shall be submitted to the appropriate County Superintendent's office by November 15 of that year or at such other time as the Commissioner may designate where the Commissioner has directed a district to undergo an immediate comprehensive review pursuant to *N.J.S.A. 18A:7A-11* and *N.J.A.C. 6A:30-3.1(a)* or where the Commissioner is phasing a district into the NJQSAC process pursuant to *N.J.S.A. 18A:7A-53* and *N.J.A.C. 6A:30-8.2(a)*. In the event that the district board of education does not approve all sections of the District Performance Review as submitted by the CSA, the district board of education may adopt a resolution indicating those sections of the District Performance Review of which it approves, and those with which it takes exception.

(g) Upon a showing of good cause, the district board of education may request that the Department grant a reasonable extension of time for submission of the District Performance Review. Failure by a public school district to conduct or submit a District Performance Review including a statement of assurance approved by the district board of education in accordance with the requirements set forth at *N.J.A.C. 6A:30-3.2* may result in the withholding of State aid pursuant to *N.J.S.A. 18A:55-2*, or, in appropriate circumstances, the initiation of intervention activities as set forth at *N.J.A.C. 6A:30-6.2*.

### **§ 6A:30-3.3 Review and evaluation of District Performance Reviews**

(a) Upon receipt of a public school district's District Performance Review and statement of assurance, the County Superintendent shall confirm the receipt of the documents and conduct a review, which shall include:

1. Reviewing the District Performance Review and Statement of Assurance for completeness;
2. Confirming the use of a committee, composed of representatives as required by *N.J.A.C. 6A:30-3.2(b)1*, to complete the District Performance Review as demonstrated by the Statement of Assurance; and

3. Verifying the responses of the District Performance Review using relevant data, reports, facts, audit results, documents and/or other information. In connection with the review of the District Performance Review, the County Superintendent's staff may require that the school district submit documentation substantiating its responses or other information.

(b) Upon completion of the initial review, the County Superintendent shall notify the Chief School Administrator of any areas of the District Performance Review that require additional clarification. When such a notification is warranted, the Department shall:

1. Issue a written request for any additional information, documentation or materials from the Chief School Administrator; and/or

2. Initiate one or more on-site visits to schools and/or other facilities, as needed to verify the accuracy of responses in the District Performance Review.

(c) Appropriate County Superintendent staff shall compile and analyze the results of each public school district's District Performance Review and any additional review conducted by Department staff and shall develop a recommendation for the public school district's placement on the performance continuum. This recommendation shall be submitted to the Commissioner for a final decision. The Commissioner shall review this recommendation as well as any other data, facts, reports, audit results, documents and/or other information that may inform a well-reasoned final decision in determining the public school district's placement on the performance continuum.

#### **§ 6A:30-3.4 Comprehensive review of public school districts in Need of Improvement Status**

(a) Public school districts that have been designated, pursuant to "No Child Left Behind," 20 *U.S.C. §§ 6301 et seq.*, as a "District in Need of Improvement" may be required to undergo an immediate comprehensive review in the form of an evaluation conducted by a team of highly skilled professionals pursuant to the procedures set forth at *N.J.A.C. 6A:30-8.3(b)* through (d).

(b) Notwithstanding the provisions of *N.J.A.C. 6A:30-3.2*, public school districts subject to the provisions of this section shall not be required to complete a District Performance Review as part of the comprehensive review. The team leader of the evaluation team shall, as part of the evaluation, conduct an entrance interview with the CSA of the public school district, at which time the CSA shall report on the public school district's progress in complying with the quality performance indicators. The evaluation team shall also interview one or more members of the administrative staff of the public school district, one or more teaching personnel, the business administrator and assistant superintendent for curriculum and instruction, other appropriate public school district level personnel, one or more members of the local collective bargaining unit of the educational staff, and one or more members of the district board of education in order to ascertain the public school district's progress in complying with the quality performance indicators.

(c) At the conclusion of its review, the evaluation team shall submit a report to the Commissioner that shall contain recommended findings and conclusions with respect to the public school district's performance in each of the five key components of school district effectiveness. The Commissioner shall review this recommendation, as well as any other data, facts, reports, audit results, documents and/or other information that may inform a well-reasoned final decision, in determining the public school district's placement on the performance continuum.

## **SUBCHAPTER 4. PERFORMANCE CONTINUUM**

### **§ 6A:30-4.1 General requirements**

(a) On or before March 15 of the school year in which the public school district's comprehensive review occurs, or at such other time as the Commissioner may designate where the Commissioner has directed a district to undergo an immediate comprehensive review pursuant to *N.J.S.A. 18A:7A-11* and *N.J.A.C. 6A:30-3.1(a)* or where the Commissioner is phasing a district into the NJQSAC process pursuant to *N.J.S.A. 18A:7A-53* and *N.J.A.C. 6A:30-8.2(a)*, the Commissioner shall issue a final determination of each public school district's performance and placement on the performance continuum, based on the comprehensive review. The Commissioner shall promptly notify public school districts of that determination and shall notify the State Board at its next public meeting.

(b) For each public school district, the Commissioner's determination regarding placement on the performance continuum shall be in the form of a school district profile consisting of the reporting of the percentage of weighted quality performance indicators satisfied by the public school district in each of the five key components of school district effectiveness.

(c) At the time of issuing his or her determination regarding each public school district's placement on the performance continuum, the Commissioner shall also issue to each public school district that has complied with the requirements of the comprehensive review set forth at *N.J.A.C. 6A:30-3* a letter certifying the public school district's continued operation as a public school district in the State of New Jersey for a period of three years, or until the public school district's next comprehensive review, whichever is sooner.

(d) Each public school district that satisfies between 80 and 100 percent of the weighted quality performance indicators in each of the five key components of school district effectiveness shall receive a letter from the Commissioner designating it as a "high performing" school district.

(e) Each public school district shall be required to report its placement on the performance continuum, as determined by the Commissioner, at the next public meeting of the district board of education.

(f) Each public school district shall have 30 days from the date of receipt of the Commissioner's determination of the public school district's placement on the performance continuum to appeal the placement decision to the State Board. In its papers initiating the appeal, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim.

1. On appeal, the State Board's review of placement decisions shall review the scores for each performance indicator specifically challenged by the public school district in its notice of appeal.

2. The record on appeal shall consist of the reports of the Commissioner and evaluation team, as well as all other documentation upon which the Commissioner relied when reaching a determination with respect to the public school district's placement on the performance continuum.

3. If an appeal is filed pursuant to this subsection, the State Board's determination regarding the public school district's placement on the performance continuum at the conclusion of the State Board appeal process shall be considered final.

4. If no appeal is filed pursuant to this subsection, the Commissioner's determination regarding the public school district's placement on the performance continuum shall be considered final upon the expiration of the time period for the filing of an appeal.

(g) Prior to appealing the placement decision to the State Board, as set forth at (f) above, the public school district may, within seven days of the date of receipt of the Commissioner's report, seek reconsideration of the initial placement decision by the Commissioner.

1. In its request for reconsideration, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim. During the reconsideration review, the Commissioner shall provide the public school district with the opportunity to present evidence to support its claim that its score on one or more indicators of the District Performance Review are erroneous and should be changed.

2. After considering the evidence and arguments presented by the public school district, the Commissioner may, if warranted by the evidence and arguments presented, amend the public school district's placement on the performance continuum. At the conclusion of the reconsideration, the Commissioner shall notify the public school district's Chief School Administrator and board of education, and the State Board in writing of his or her determination.

3. The time for appeal to the State Board shall be tolled during the period of reconsideration.

## **SUBCHAPTER 5. IMPROVEMENT ACTIVITIES TO SUPPORT STUDENT ACHIEVEMENT IN PUBLIC SCHOOL DISTRICTS**

### **§ 6A:30-5.1 Public school district obligations for continual improvement**

Each public school district shall continuously strive for improvement in all areas of school district functioning in order to enhance student achievement and to ensure that it provides a thorough and efficient education to all students.

### **§ 6A:30-5.2 Improvement activities for public school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more components of school district effectiveness**

(a) Public school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the key components of school district effectiveness shall be required to commence improvement activities as set forth at *N.J.A.C. 6A:30-5.3* through 5.7. These improvement activities shall include development and implementation of a NJQSAC district improvement plan, approved by the Commissioner. Other improvement activities may include:

1. An in-depth evaluation conducted by the Department, pursuant to *N.J.A.C. 6A:30-5.3*; and
2. Receipt of technical assistance, provided by Department staff or by one or more highly skilled professionals, pursuant to *N.J.A.C. 6A:30-5.7*.

### **§ 6A:30-5.3 In-depth evaluation**

(a) The Commissioner shall determine whether to conduct an in-depth evaluation of a public school district pursuant to the following criteria:

1. The Department shall conduct an in-depth evaluation of public school districts that satisfy less than 50 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness as determined by the comprehensive review, unless the Commissioner determines that a comprehensive evaluation of the school district by or directed by the Department has occurred within the last year;

2. The Department may conduct an in-depth evaluation for public school districts that satisfy between 50 and 79 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness as determined by the comprehensive review. In making this determination, the Commissioner shall consider:

i. Whether other evaluations of the public school district exist that address the areas of deficiency or limited capacity identified through this comprehensive review process, and that may obviate the need for an additional in-depth evaluation; or

ii. Whether the public school district can demonstrate through documentation or other data that it is engaged in efforts to address the areas of deficiency or limited capacity identified through the comprehensive review process; and

3. Notwithstanding the provisions of (a)1 and 2 above, the Commissioner, in his or her discretion, may decide not to conduct an in-depth evaluation of a public school district where the Department conducted an in-depth evaluation in a prior year and that in-depth evaluation was the basis for a NJQSAC district improvement plan currently in operation in the public school district.

(b) The Commissioner will notify the public school district upon completion of the comprehensive review as to whether the Department will conduct an in-depth evaluation of the public school district.

(c) The Commissioner shall designate, secure or appoint appropriate persons or entities to conduct the in-depth evaluation and shall appoint a team leader. The evaluation team may consist of Department personnel, highly skilled professionals or other appropriate persons as determined by the Commissioner. In all instances, the members of the evaluation team shall be qualified by training and experience to examine the specific conditions within the public school district identified through the comprehensive review.

(d) The evaluation team, in consultation with Department staff, shall determine the scope of the in-depth evaluation. The evaluation may include, but need not be limited to:

1. The deficiencies or areas of limited capacity within the public school district identified by the comprehensive review as those components of school district effectiveness of which the school district satisfied less than 80 percent of the weighted quality performance indicators;

2. Other deficiencies or areas of limited capacity in school district effectiveness related to those identified in (d)1 above; and/or

3. Conditions in the community that may adversely affect the ability of students to learn.

(e) The evaluation team leader, in consultation with the Commissioner and upon notice to the public school district, may amend the scope of the evaluation during the course of the evaluation if warranted based on preliminary findings of the evaluation team.

(f) The in-depth evaluation shall include, but need not be limited to, the following:

1. A pre-evaluation conference by the evaluation team with the Chief School Administrator to discuss the scope of the review and the procedures to be followed;

2. On-site visits to the school district's central office, and, at the discretion of the evaluation team, on-site visits to one or more of the public school district's schools. The dates for such on-site visits shall be established by the team leader in advance, in consultation with the Chief School Administrator of the public school district;

3. A review of any documents, data or other written materials deemed relevant by the evaluation team. The Chief School Administrator shall make such materials available to the evaluation team upon the team's request;

4. Interviews with appropriate individuals as determined by the evaluation team, which may include members of the school district committee responsible for completing the public school district's District Performance Review, in order to obtain their perspectives regarding the circumstances that contributed to the areas of deficiency or limited capacity in the public school district and to receive input and suggestions; and

5. Provision by the evaluation team for public input into the evaluation process.

(g) The review of public school district practices conducted by the in-depth evaluation team shall be completed within 30 business days. In his or her discretion, the Commissioner may grant reasonable extensions of time for completion of the in-depth evaluation.

(h) Within 45 days after conclusion of its review, the evaluation team shall submit a report to the Commissioner. The report shall include findings, conclusions and recommendations for the public school district to use in developing and implementing a NJQSAC district improvement plan.

(i) The Commissioner shall review the findings, conclusions and recommendations of the evaluation team and shall prepare a final report that shall be transmitted to the Chief School Administrator and the district board of education. The final report as adopted by the Commissioner may be used by the Commissioner to re-evaluate the public school district's placement on the performance continuum and shall be used by the public school district and the Department in developing the public school district's NJQSAC district improvement plan pursuant to *N.J.A.C. 6A:30-5.4*.

(j) Within 30 days of the issuance of the final report by the Commissioner, the district board of education shall report the findings at a regular or special meeting.

#### **§ 6A:30-5.4 New Jersey Quality Single Accountability Continuum district improvement plan**

(a) Each school district that satisfies less than 80 percent of the weighted quality performance indicators in one or more of the five components of school district effectiveness shall be required to develop and submit a NJQSAC district improvement plan to address those areas of deficiency and limited capacity identified through the comprehensive review and in-depth evaluation, if applicable.

(b) The NJQSAC district improvement plan shall be data driven, results oriented, and shall outline strategies for building capacity of the public school district and its schools to improve learning and teaching. The improvement plan shall identify specific areas of strength and weakness in addressing all methods employed by the public school district to improve student achievement, and increase school district capacity and improve performance in each applicable component of school district effectiveness, and shall incorporate the content and requirements of improvement or corrective action plans required by other State or Federal programs. The improvement plan shall be informed by data generated by the Department, school district and any individual school improvement planning processes that may have occurred.

(c) A NJQSAC district improvement plan shall consist of district-wide goals and measurable objectives that describe the structural, policy, programmatic or organizational changes to be implemented. It shall identify the individual(s) responsible for addressing each area and shall specify timelines for completion of each goal. The NJQSAC district improvement plan shall include, but not be limited to the following elements:

1. School-level planning objectives toward ensuring a thorough and efficient education;
2. Evidence-based strategies for improvement to address all critical areas of need for the public school district identified by the findings of the in-depth evaluation report, if applicable and the comprehensive review; and
3. Identification of the assistance required to implement improvement strategies with budgetary considerations identified.

(d) When developing the NJQSAC district improvement plan, the public school district shall also ensure the plan is aligned with and incorporates or references the relevant provisions of all applicable State and Federal plans.

(e) The NJQSAC district improvement plan shall be developed by an in-district team established by the Chief School Administrator. This in-district team shall, at a minimum, consist of public school district administrators, public school district or school personnel with experience in one or more of the areas of school district effectiveness, school administrative personnel from a representative sample of the schools in the school district, instructional staff, member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit, and one or more representatives of the district board of education selected by the district board of education.

(f) When requested by the Chief School Administrator, the Department may provide the team with technical assistance needed to develop the NJQSAC district improvement plan.

(g) The Department, in collaboration with the public school district, shall determine the type of technical assistance to be provided to the public school district through the NJQSAC district improvement plan.

#### **§ 6A:30-5.5 Review and approval process for the NJQSAC district improvement plan**

(a) Within 45 days of the public school district's receipt of the in-depth evaluation report, the Chief School Administrator shall obtain the approval of the district's board of education for the pro-

posed NJQSAC district improvement plan and shall submit the proposed NJQSAC district improvement plan, as approved by the district board of education, to the Department. If the Department did not conduct an in-depth evaluation of the school district, the Chief School Administrator shall obtain the approval of the district's board of education for the proposed NJQSAC district improvement plan and shall submit the proposed NJQSAC district improvement plan, as approved by the district board of education to the Department within 45 days of the final determination of the district's placement on the performance continuum as set forth at *N.J.A.C. 6A:30-4.1(f)*. In the event that the district board of education does not approve the NJQSAC district improvement plan, the district board of education may require that the CSA and the in-district team reevaluate and/or revise the plan. In his or her discretion, the Commissioner may grant reasonable extensions of time for the submission of the school board-approved NJQSAC district improvement plan.

(b) Failure by a public school district to submit a school board-approved NJQSAC district improvement plan in accordance with the requirements set forth at *N.J.A.C. 6A:30-5.4* and (a) above may result in the withholding of State aid pursuant to *N.J.S.A. 18A:55-2*, or, in appropriate circumstances, the initiation of intervention activities as set forth at *N.J.A.C. 6A:30-6.2*.

(c) The Department staff shall review the proposed NJQSAC district improvement plan to ensure that it addresses all areas identified in the comprehensive review and the in-depth evaluation, if applicable. The Department shall ensure that the plan contains measurable and attainable evidence-based objectives and strategies for achieving improvement, developing local capacity and improving public school district effectiveness in each of the identified areas of deficiency. The Department staff shall make a recommendation to the Commissioner proposing revisions to or approval of the proposed plan.

(d) The Commissioner shall review the proposed NJQSAC district improvement plan and recommendation of Department staff within 30 days.

1. Upon approval of the NJQSAC district improvement plan, the Commissioner shall provide the public school district with written notification and shall ensure that sufficient resources are allocated within the public school district budget to implement the plan.

2. If the Commissioner determines that the proposed NJQSAC district improvement plan needs revision, the Commissioner shall notify the public school district, and the public school district shall revise the plan in the manner and within the time specified by the Commissioner.

#### **§ 6A:30-5.6 Implementation and monitoring of an approved NJQSAC district improvement plan**

(a) A public school district shall implement its NJQSAC district improvement plan promptly upon approval of the plan by the Commissioner.

(b) Every six months, the Department shall review the progress of the public school district in implementing the NJQSAC district improvement plan. As part of this review, the public school district shall submit a report of its progress in implementing each of the items in the NJQSAC district improvement plan and in satisfying the weighted performance indicators of the component(s) of school district effectiveness that are the subject of the NJQSAC district improvement plan in a format to be determined by the Department. Each six-month review shall also include an on-site visit

at which time the Department may receive input from members of the in-district team responsible for developing the NJQSAC district improvement plan and others as determined appropriate by Department staff. Based on these six-month reviews:

1. If the Commissioner determines that the public school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five components of school district effectiveness:

i. The Commissioner shall issue a letter of recognition designating the school district as high performing;

ii. The six-month reviews of the public school district pursuant to this subchapter shall cease; and

iii. Payment for any technical assistance provided by highly skilled professionals shall become the sole responsibility of the public school district.

2. If the Commissioner determines that the public school district does not satisfy at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness:

i. The Commissioner shall issue a letter detailing the areas in which the school district continues to need improvement;

ii. The Commissioner shall ensure that the public school district continues to receive appropriate technical assistance, if applicable; and

iii. The Commissioner shall continue to monitor the progress of the public school district.

(c) Subject to the approval of the Commissioner, a public school district's NJQSAC district improvement plan may be amended by the public school district as circumstances warrant. Two years after the implementation of the initial NJQSAC district improvement plan and every two years thereafter, the Department shall specifically assess whether the public school district's NJQSAC improvement plan should be amended to address insufficient progress by the public school district in satisfying the weighted performance indicators in one or more areas of school district effectiveness.

1. If the Commissioner determines that the NJQSAC improvement plan should be amended, the Department shall work collaboratively with the in-district team comprised of members as set forth at *N.J.A.C. 6A:30-5.4(e)* to develop amendments to the plan, which shall be subject to approval as set forth at *N.J.A.C. 6A:30-5.5*.

2. If the Commissioner determines that the school district is making sufficient progress in all areas, the school district shall continue to implement the current NJQSAC district improvement plan without amendments.

#### **§ 6A:30-5.7 Assistance provided to public school districts through the NJQSAC district improvement plan**

(a) The Department may provide public school districts with technical assistance to improve performance and increase local capacity in areas of need as identified in the comprehensive review

and/or the in-depth evaluation. This technical assistance may be provided by Department personnel and/or by one or more other highly skilled professionals.

1. The type of assistance shall be delineated in the NJQSAC district improvement plan developed by the school district in collaboration with the Department.

2. The Commissioner shall select and appoint appropriate Department personnel to provide the assistance set forth in the NJQSAC district improvement plan, which may be coordinated and provided on a regional or Statewide basis.

3. In consultation with the public school district, the Commissioner may select and appoint other appropriate highly skilled professionals who are not Department personnel to provide the assistance set forth in the NJQSAC district improvement plan, which may be coordinated and provided on a regional or Statewide basis.

(b) The Commissioner shall determine the eligibility of persons, to be designated as "highly skilled professionals," to perform specific functions in public school districts. Highly skilled professionals may be Department employees and shall be selected considering the needs of the particular school district with consideration given to the following criteria:

1. Relevant education and training;
2. Relevant professional experience;
3. Expertise in the field in which technical assistance is needed; and
4. Experience working with public school districts.

(c) Highly skilled professionals may be assigned to public school districts by the Commissioner to perform designated functions, including, but not limited to:

1. Participating as a member of the in-depth evaluation team pursuant to *N.J.A.C. 6A:30-5.3*;
2. Providing technical assistance as delineated in the NJQSAC district improvement plan approved by the Commissioner;
3. Providing direct oversight of public school district functions during a period of partial or full State intervention pursuant to *N.J.A.C. 6A:30-6*; and
4. Participating as a member of the team formed to evaluate public school districts that were designated as State operated, Level II or Level III, pursuant to *N.J.A.C. 6A:30-8*, or to evaluate public school districts that have been designated, pursuant to "No Child Left Behind," *20 U.S.C. §§ 6301 et seq.*, as a "District in Need of Improvement" for three consecutive years.

(d) The Commissioner shall not appoint highly skilled professionals to a public school district in any capacity that would create an actual or potential conflict of interest within the public school district.

(e) The compensation of highly skilled professionals appointed by the Commissioner pursuant to (c)2 and 3 above shall be a shared expense of the public school district and the Department, with each assuming one-half of the costs, except where technical assistance pursuant to (c)2 above is provided by Department employees, in which case the Department shall assume the total cost of the compensation.

## **SUBCHAPTER 6. INTERVENTION ACTIVITIES**

### **§ 6A:30-6.1 Forms of State intervention**

(a) Where appropriate pursuant to *N.J.A.C. 6A:30-6.2*, the Commissioner may seek partial or full State intervention in a public school district.

(b) Under partial State intervention, the Department will intervene in one or more areas of public school district functioning. Partial State intervention may include:

1. Appointment by the State Board, upon the recommendation of the Commissioner, of a district superintendent if the position is vacant;

2. Appointment, pursuant to *N.J.S.A. 18A:7A-14*, of one or more highly skilled professionals to provide direct oversight in the public school district; and/or

3. Appointment by the Commissioner, with the approval of the State Board, of up to three additional members to the district board of education.

(c) Under full State intervention, the Department will intervene in each of the five areas of school district functioning. Full State intervention may include:

1. Appointment by the State Board, upon recommendation of the Commissioner, of a State district superintendent;

2. Appointment pursuant to *N.J.S.A. 18A:7A-15*, of one or more highly skilled professionals to provide direct oversight in the public school district; and/or

3. Appointment by the Commissioner, with the approval of the State Board, of up to three additional members to the district board of education.

### **§ 6A:30-6.2 Factors for initiating State intervention**

(a) The Commissioner may seek to initiate partial State intervention in a public school district when the public school district satisfies less than 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness, and at least one of the following factors is present:

1. The public school district has failed to submit its District Performance Review and Statement of Assurance and/or failed to provide other documentation in connection with the comprehensive review as requested by the Department within the established timeframe, pursuant to *N.J.A.C. 6A:30-3*;

2. The public school district has failed to develop a NJQSAC district improvement plan that can be approved by the Commissioner, pursuant to *N.J.A.C. 6A:30-5.4*;

3. The public school district has failed to implement the NJQSAC district improvement plan approved by the Commissioner, pursuant to *N.J.A.C. 6A:30-5.6*;

4. Other circumstances exist that warrant immediate action by the Commissioner to ensure that the public school district will provide a thorough and efficient education to the students in the school district; or

5. Other circumstances indicate insufficient local capacity to ensure that the public school district will provide a thorough and efficient education to its students and an unwillingness or inability on the part of the public school district to develop such local capacity without State intervention.

(b) The Commissioner may seek to initiate full State intervention in a public school district when the public school district satisfies less than 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness and at least one of the following factors is present:

1. The public school district has failed to submit its District Performance Review and Statement of Assurance and/or failed to provide other documentation in connection with the comprehensive review as requested by the Department within the established timeframe, pursuant to N.J.A.C. 6A:30-3;

2. The public school district has failed to develop a NJQSAC district improvement plan that can be approved by the Commissioner, pursuant to *N.J.A.C. 6A:30-5.4*;

3. The public school district has failed to implement the NJQSAC district improvement plan approved by the Commissioner, pursuant to *N.J.A.C. 6A:30-5.6*;

4. Other circumstances exist that warrant immediate action by the Department to ensure that the public school district will provide a thorough and efficient education to the students in the school district; or

5. Other circumstances indicate insufficient local capacity to ensure that the public school district will provide a thorough and efficient education to its students and an unwillingness or inability on the part of the public school district to develop such local capacity without State intervention.

### **§ 6A:30-6.3 Procedure for initiating partial State intervention**

(a) When a public school district fails to satisfy at least 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness and one of the factors set forth at *N.J.A.C. 6A:30-6.2(a)* is present, the Commissioner may seek partial State intervention in the public school district by issuing an Order to Show Cause why an administrative order to place the identified components under partial State intervention should not be implemented.

(b) At the time of service of the Order to Show Cause, the Commissioner shall also serve upon the public school district a proposed administrative order for partial intervention which shall contain and incorporate a partial intervention plan, developed by Department staff, as set forth more fully at *N.J.A.C. 6A:30-6.4*.

(c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to *N.J.S.A. 52:14B-1* et seq., for a plenary hearing conducted on an expedited basis. In this proceeding, the Department shall have the burden of showing that the recommended administrative order is not arbitrary, unreasonable or capricious.

(d) If at the conclusion of the hearing process, the Commissioner determines that the public school district has failed to show cause why the actions proposed should not occur, the Commissioner shall recommend to the State Board of Education that it issue an order placing the public school district under partial State intervention.

(e) The State Board may place the public school district under partial intervention. The decision by the State Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

#### **§ 6A:30-6.4 Partial State intervention plan**

(a) The partial State intervention plan shall incorporate and amend the NJQSAC district improvement plan and will be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking partial intervention in a public school district. The intervention plan must address, but need not be limited to, the following:

1. Whether the State Board, upon the recommendation of the Commissioner, will appoint a district superintendent in the event that a vacancy occurs during the period of partial intervention. If a district superintendent is appointed during the period of partial intervention, the intervention plan shall indicate that the person shall be appointed for an initial term not to exceed two years, and that the costs of his or her salary shall be an expense of the public school district;

2. Whether highly skilled professionals will be appointed pursuant to *N.J.S.A. 18A:7A-14(c)(5)* to provide direct oversight in the public school district. If so, the intervention plan will state the key components in which the highly skilled professionals will have authority, and will set forth in detail the powers, authority and duties of such individuals. The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and public school district personnel. The plan shall state that the costs of the highly skilled professional(s) will be divided equally between the State and the public school district; and

3. Whether the Commissioner intends to exercise his or her authority to appoint, with the State Board's approval, up to three additional members to the district board of education. If the additional board members are appointed, they shall be subject to the requirements of *N.J.A.C. 6A:30-6.5*.

#### **§ 6A:30-6.5 Structure of the district board of education under partial State intervention**

(a) If the partial intervention plan incorporated into the administrative order for partial intervention provides for the Commissioner, with the approval of the State Board, to appoint up to three additional members to the district board of education, the following shall apply:

1. The Commissioner shall appoint at least one of these additional members from a list of three candidates provided by the local governing body of the municipality in which the school district is located. If the public school district is a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the public school district is a county vocational-technical school district or a special services district, the list of three

candidates shall be provided by the governing body of the county in which the public school district is located;

2. The Commissioner shall make every effort to appoint residents of the public school district; and

3. The appointed district board members shall meet all the requirements of *N.J.S.A. 18A:12-1* et seq., and must be registered voters in the State of New Jersey, except that they shall not be required to be residents of the public school district or be registered to vote in the public school district.

(b) The appointed district board members shall comply with the School Ethics Act, *N.J.S.A. 18A:12-21* et seq.

(c) The appointed district board members shall be non-voting members of the district board and shall have all other rights, obligations, powers and privileges of board members.

1. Six months following the initial order for partial State intervention, the Commissioner shall determine whether or not the appointed district board members shall become voting members of the district board of education.

2. If the Commissioner determines that the appointed district board members shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(d) The appointed district board members shall report to the Commissioner on the activities of the district board of education and shall provide assistance to the district board of education on such matters as deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific school board action.

(e) The appointed district board members shall be appointed for a term of two years.

1. The Commissioner shall obtain approval of the State Board for any extension of the two-year term.

2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

### **§ 6A:30-6.6 Procedure for initiating full State intervention**

(a) When a public school district fails to satisfy at least 50 percent of the weighted performance indicators in each of the five components of school district effectiveness and one of the factors set forth at *N.J.A.C. 6A:30-6.2(b)* is present, the Commissioner may seek full State intervention in the public school district by issuing an Order to Show Cause why an administrative order to place the public school district under full State intervention should not be implemented.

(b) At the time of service of the Order to Show Cause, the Commissioner shall also serve upon the public school district a proposed administrative order for full intervention which shall contain and incorporate a full intervention plan, developed by the Department, as set forth more fully *N.J.A.C. 6A:30-6.7*.

(c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to *N.J.S.A. 52:14B-1* et seq., for a plenary hearing conducted on an expedited basis. In this proceeding,

the Department shall have the burden of showing that the recommended administrative order is not arbitrary, unreasonable or capricious.

(d) If at the conclusion of the hearing process, the Commissioner determines that the public school district has failed to show cause why the actions proposed by the Department should not occur, the Commissioner shall recommend to the State Board of Education that it issue an order placing the public school district under full State intervention.

(e) The State Board may place the public school district under full State intervention. The decision by the State Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

### **§ 6A:30-6.7 Full State intervention plan**

(a) The full State intervention plan shall incorporate and amend the NJQSAC district improvement plan and will be presented by the Commissioner as part of the proposed administrative order at the time the Department brings an Order to Show Cause seeking full State intervention in a public school district. The intervention plan must address, but need not be limited to, the following elements:

1. Whether the State Board, upon recommendation of the Commissioner, will appoint a State district superintendent.

i. If a State district superintendent is appointed, the intervention plan shall indicate that the person shall be appointed for an initial term not to exceed three years, and that the costs of his or her salary shall be an expense of the public school district; and

ii. The intervention plan shall also provide that if the State Board chooses to appoint the existing district superintendent, then he or she must agree to termination of his or her existing contract of employment with the public school district;

2. Whether highly skilled professionals will be appointed pursuant to *N.J.S.A. 18A:7A-15(c)* to provide direct oversight in the public school district.

i. If so, the intervention plan will state the areas of school district operations the highly skilled professionals will oversee, and will set forth in detail the powers, authority and duties of such individuals;

ii. The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and school district personnel; and

iii. The plan shall state that the costs of the highly skilled professional(s) will be divided equally between the State and the public school district;

3. Whether the positions of the public school district's Chief School Administrator and those executive administrators responsible for curriculum, business and finance, and personnel will be abolished. If any of those positions are abolished, the provisions of *N.J.S.A. 18A:7A-44(a)* with respect to notice, salary, tenure rights, etc., shall apply;

4. Whether a Capital Project Control Board shall be established in the public school district, with the functions and powers set forth in *N.J.S.A. 18A:7A-46.1* et seq. If the plan does not require

establishment of a Capital Project Control Board, then the plan will set forth a procedure for development and approval of capital projects in the public school district; and

5. Whether the Commissioner intends to exercise his/her authority to appoint, with the State Board's approval, up to three additional members to the district board of education of the public school district. If the additional school board members are appointed, they shall be subject to the requirements of *N.J.A.C. 6A:30-6.8*.

#### **§ 6A:30-6.8 Operations of the district board of education under full State intervention**

(a) When a public school district enters full State intervention, the district board of education currently in place shall continue in place, but it shall serve in an advisory capacity only and shall have only those rights, powers and privileges of an advisory board.

(b) The advisory board of education shall meet at least once per month at such dates and times as determined by the State district superintendent.

(c) Any advisory board member seat vacancies shall be filled in the same manner as the seats were initially filled.

(d) If the full intervention plan incorporated into the administrative order for full intervention provides for the Commissioner, with the approval of the State Board, to appoint up to three additional members to the district board of education, the following shall apply:

1. The Commissioner shall appoint at least one of the additional members from a list of three candidates provided by the local governing body of the municipality in which the public school district is located. If the public school district is a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the public school district is a county vocational-technical school district or a special services district, the list of three candidates shall be provided by the governing body of the county in which the public school district is located;

2. The Commissioner shall make every effort to appoint residents of the public school district; and

3. The appointed district board members shall meet all the requirements of *N.J.S.A. 18A:12-1* et seq. and must be registered voters in the State of New Jersey, except that they shall not be required be residents of the public school district or registered to vote in the public school district.

(e) The appointed district board members shall comply with the School Ethics Act, pursuant to *N.J.S.A. 18A:12-21* et seq.

(f) The appointed district board members shall be non-voting members of the district board and shall have all the other rights, obligations, powers and privileges of board members.

1. Six months following the initial order for full State intervention, the Commissioner shall determine whether or not the appointed district board members shall become voting members of the district board of education. If the members appointed by the Commissioner become voting members of the school board, they shall have the same rights and privileges with respect to voting as other members of the school board.

2. If the Commissioner determines that the appointed district board members shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(g) The appointed district board members shall report to the Commissioner on the activities of the district board of education and shall provide assistance to the district board of education on such matters as deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific school board action.

(h) The appointed district board members shall be appointed for a term of two years.

1. The Commissioner shall obtain approval of the State Board for any extension of the two-year term.

2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

(i) The district board of education shall assess the progress of the public school district on a regular basis and shall report on the progress no less than twice per year to the State district superintendent, to the public and to other persons so designated in the intervention plan. Copies of this report shall be forwarded to the Commissioner and the State Board.

#### **§ 6A:30-6.9 Assessment activities during the period of intervention**

(a) During the period of partial or full State intervention:

1. Comprehensive reviews pursuant to N.J.A.C. 6A:30-3 shall be continued; and

2. Public school district monitoring at six-month intervals pursuant to *N.J.A.C. 6A:30-5.6(b)* shall be continued.

### **SUBCHAPTER 7. WITHDRAWAL FROM PARTIAL OR FULL STATE INTERVENTION**

#### **§ 6A:30-7.1 Factors for initiating return to local control**

(a) A public school district in full intervention shall remain in that status for no less than three years before the process of withdrawal from intervention can begin.

(b) The Commissioner will consider the following factors in determining whether to initiate a full or partial withdrawal from intervention in a public school district:

1. Evidence of sustained and substantial progress by the public school district, demonstrated by the public school district having satisfied 80 to 100 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness under State intervention, as shown by the comprehensive reviews, six month reviews by the Department and/or other appropriate evidence; and

2. Substantial evidence that the public school district has adequate programs, policies and personnel in place and in operation to ensure that the demonstrated progress, with respect to the components of school district effectiveness under intervention, will be sustained.

(a) When the Commissioner determines that a public school district has satisfied the factors delineated at *N.J.A.C. 6A:30-7.1(b)* with respect to one or more components of public school district effectiveness under State intervention, the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. The State Board, based on the Commissioner's recommendation, may grant approval for the Department to initiate the transition to local control in those components of public school district effectiveness. The procedures set forth in this subchapter regarding transition to partial State intervention or to local control shall also apply to public school districts that were State-operated prior to February 22, 2007 and that are determined to be eligible to begin the transition process pursuant to *N.J.A.C. 6A:30-8.3*.

(b) When approval is granted by the State Board to initiate the transition to withdrawal from State intervention, the Commissioner shall notify the public school district of this decision.

(c) As an initial step in the transition process, the Department, in collaboration with the school district, shall develop a transition plan which shall contain the components set forth at *N.J.A.C. 6A:30-7.3* and shall address the transition to local control of the area or areas with respect to which the public school district has met the requirements of *N.J.A.C. 6A:30-7.1(b)*.

#### **§ 6A:30-7.2 Procedure for transition to partial State intervention or to local control**

(a) When the Commissioner determines that a public school district has satisfied the factors delineated at *N.J.A.C. 6A:30-7.1(b)* with respect to one or more components of public school district effectiveness under State intervention, the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. The State Board, based on the Commissioner's recommendation, may grant approval for the Department to initiate the transition to local control in those components of public school district effectiveness. The procedures set forth in this subchapter regarding transition to partial State intervention or to local control shall also apply to public school districts that were State-operated prior to February 22, 2007 and that are determined to be eligible to begin the transition process pursuant to *N.J.A.C. 6A:30-8.3*.

(b) When approval is granted by the State Board to initiate the transition to withdrawal from State intervention, the Commissioner shall notify the public school district of this decision.

(c) As an initial step in the transition process, the Department, in collaboration with the school district, shall develop a transition plan which shall contain the components set forth at *N.J.A.C. 6A:30-7.3* and shall address the transition to local control of the area or areas with respect to which the public school district has met the requirements of *N.J.A.C. 6A:30-7.1(b)*.

#### **§ 6A:30-7.3 Components of the transition plan**

(a) The transition plan shall address, but need not be limited to, the following:

1. A timetable for the activities relating to and leading to the withdrawal from State intervention in the areas under transition;

2. Provisions regarding the continued employment status of the State district superintendent appointed during the period of intervention, provided, however, that the State district superintendent shall continue to hold that position until the public school district satisfies the factors set forth at

*N.J.A.C. 6A:30-7.1(b)* with respect to governance and the component of governance is returned to local control;

3. Provisions regarding the continued provision of technical assistance by highly skilled professionals;

4. Provisions regarding the continued use of and any changes in the duties, authority and responsibilities of highly skilled professionals appointed to provide direct oversight in the public school district. The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed and school district personnel regarding public school district operations;

5. Specific goals and benchmarks to assist the public school district in satisfying the factors set forth at *N.J.A.C. 6A:30-7.1(b)* with respect to the remaining areas of public school district functioning under intervention;

6. When the governance component of school district effectiveness is being returned to local control, provisions regarding the status of school board members appointed by the Commissioner;

7. Provisions regarding the receipt of technical assistance by the public school district, and the payment for such services; and

8. Provisions for discontinuance of the Capital Projects Control Board, if applicable.

#### **§ 6A:30-7.4 Implementation of the transition plan**

(a) Upon approval by the Commissioner, the transition plan shall be presented at a public meeting of the district board of education and officially noted in the minutes. The district board of education shall be immediately required to implement the provisions of the transition plan.

(b) During the period of transition, the Department shall continue to monitor the public school district, pursuant to *N.J.A.C. 6A:30-5.6*, to ensure that progress is sustained and that the transition plan is being implemented.

(c) The transition plan shall be updated and amended as the public school district achieves compliance with *N.J.A.C. 6A:30-7.2(a)* with respect to the other components or as other circumstances warrant.

#### **§ 6A:30-7.5 Transition process for the governance component of school district effectiveness for public school districts under full State intervention**

(a) A district board of education that is transitioning from full State intervention will continue to have the rights, powers, and duties of an advisory board notwithstanding that it may be placed in partial State intervention as part of the transition to local control, unless and until the component of governance has been returned to local control.

(b) Despite the continuation of the district board of education as an advisory board, the State Board of Education, upon the recommendation of the Commissioner, may return some voting functions to the district board of education as part of and in furtherance of the process of transition to local control of the governance component of school district effectiveness. If some voting functions

are returned to the district board of education, the Commissioner or his or her designee shall have the authority to veto any action by the district board of education in accordance with *N.J.S.A. 18A:7A-53(c)*.

(c) Not more than one year following the return of the component of governance to local control, the district board of education shall call a special election for purposes of placing the question of classification status pursuant to *N.J.S.A. 18A:9-1* et seq. before the voters of the public school district, which election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

### **§ 6A:30-7.6 Completion of the transition process**

(a) Upon complete satisfaction of all components of a full transition plan to local control, the Commissioner shall recommend to the State Board that the withdrawal from intervention be completed and that the public school district be fully returned to local control.

(b) Upon approval by the State Board, the Commissioner shall make a determination regarding the public school district's placement on the performance continuum, notify the public school district of this action, and issue a letter to the school district designating it as a "high performing" school district.

## **SUBCHAPTER 8. TRANSITION OF ALL PUBLIC SCHOOL DISTRICTS TO THE NJQSAC MONITORING AND EVALUATION SYSTEM**

### **§ 6A:30-8.1 General requirements**

As of February 22, 2007, public school districts shall be initially evaluated and placed on the performance continuum pursuant to the procedures set forth in this subchapter.

### **§ 6A:30-8.2 Level I public school districts**

(a) Public school districts certified as Level I by the State Board of Education prior to February 22, 2007 shall be phased into the NJQSAC comprehensive review process and evaluated by the Department in accordance with a schedule established by the Commissioner. In establishing this schedule, the Commissioner shall take into account the time period that has elapsed since the last on-site monitoring of the public school district by the county superintendent pursuant to the former rules in effect prior February 22, 2007. During the phase-in of the NJQSAC monitoring process, public school districts that have not yet undergone a comprehensive review shall continue to complete and submit a Quality Assurance Annual Report (QAAR) pursuant to *N.J.A.C. 6A:32-12.1*.

(b) Based on the public school district's satisfaction of the weighted quality performance indicators in each of the five components of school district effectiveness, as determined by the Department's review of all relevant information and data, the Commissioner shall assess public school dis-

trict performance and capacity and shall place each public school district on a performance continuum, pursuant to the procedures set forth at N.J.A.C. 6A:30-3 and 4.

**§ 6A:30-8.3 Public school districts certified as Level II and Level III and State operated public school districts**

(a) By June 22, 2007, the Commissioner shall conduct an evaluation of public school districts designated pursuant to P.L. 1996, c. 138 as Level II, Level III and State-operated.

(b) The Commissioner shall convene an evaluation team consisting at a minimum of highly skilled professionals to conduct the evaluation of Level II, Level III and State-operated public school districts. At the discretion of the Commissioner, the evaluation team may also include public school district representatives and other individuals with expertise in the areas of curriculum and instruction, fiscal management, operations, human resources and organizational dynamics and governance. The Commissioner shall designate a team leader to coordinate the evaluation and completion of the final report.

(c) The evaluation team shall assess public school district performance and capacity in each of the five key components of school district effectiveness, as measured by the weighted quality performance indicators.

(d) The evaluation shall include, but need not be limited to, the following:

1. A pre-evaluation conference by the evaluation team with the Chief School Administrator to discuss the scope of the review and the procedures to be followed;

2. On-site visits to the public school district's central office, and, in the discretion of the evaluation team, on-site visits to one or more of the public school district's schools. The dates for such on-site visits shall be established by the team leader in advance, in consultation with the Chief School Administrator of the public school district;

3. A review of any documents or other written materials deemed relevant by the evaluation team. The Chief School Administrator shall make such materials available to the evaluation team upon the team's request;

4. Interviews by the evaluation team with appropriate public school district staff and their collective bargaining representatives in order to obtain their perspectives regarding the performance of the public school district; and

5. A public meeting arranged by the Chief School Administrator, at which parents, school employees and community residents may comment on public school district policies, practices, performance and capacity. The public meeting shall be duly advertised and conducted in accordance with *N.J.S.A. 10:4-6 et. seq.*

(e) Within the time period allotted for the evaluation pursuant to *N.J.S.A. 18A:7A-53(b)*, the evaluation team shall submit a report to the Commissioner. The report shall make recommended findings and conclusions with respect to the public school district's performance in each of the five key components of school district effectiveness.

(f) Within the time period allotted pursuant to *N.J.S.A. 18A:7A-53(b)*, the Commissioner shall review the findings, conclusions and recommendations of the evaluation team and shall produce a

final report containing his or her determination with respect to the public school district's placement on the performance continuum. That report shall be provided to the public school district's Chief School Administrator and board of education.

(g) The public school district shall have 30 days from the date of receipt of the Commissioner's determination of the district's placement on the performance continuum to appeal the placement decision to the State Board. In its papers initiating the appeal, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim.

1. On appeal, the State Board's review of placement decisions shall review the scores for each performance indicator specifically challenged by the public school district in its notice of appeal.

2. The record on appeal shall consist of the reports of the Commissioner and evaluation team, as well as all other documentation upon which the Commissioner relied when reaching a determination with respect to the public school district's placement on the performance continuum.

3. If an appeal is filed pursuant to this subsection, the State Board's determination regarding the public school district's placement on the performance continuum at the conclusion of the State Board appeal process shall be considered final.

4. If no appeal is filed pursuant to this subsection, the Commissioner's determination regarding the public school district's placement on the performance continuum shall be considered final upon the expiration of the time period for the filing of an appeal.

(h) Prior to appealing the placement decision to the State Board, as set forth at (g) above, the public school district may, within seven days of the date of receipt of the Commissioner's report, seek reconsideration of the initial placement decision by the Commissioner.

1. In its request for reconsideration, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim. During the reconsideration review, the Commissioner shall provide the public school district with the opportunity to present evidence to support its claim that its score on one or more indicators of the District Performance Review are erroneous and should be changed.

2. After considering the evidence and arguments presented by the public school district, the Commissioner may, if warranted by the evidence and arguments presented, amend the public school district's placement on the performance continuum. At the conclusion of the reconsideration, the Commissioner shall notify the public school district's Chief School Administrator and board of education, and the State Board in writing of his or her determination.

3. The time for appeal to the State Board shall be tolled during the period of reconsideration.

(i) Following the final determination of the public school district's placement on the performance continuum as set forth at (g) above, the Department and the public school district shall initiate all appropriate improvement and intervention activities based on that placement decision.

1. If the public school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five key components of school district effectiveness, the Commissioner shall send the school district a letter designating it as a "high performing" school district pursuant to *N.J.A.C. 6A:30-4.1(d)*.

2. If the public school district satisfies less than 80 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness, the Department and the public school district will engage in the improvement activities delineated at *N.J.A.C. 6A:30-5.1* through 5.7 as applicable.

3. If the Level II or Level III public school district satisfies less than 50 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness, that at least one of the factors set forth at *N.J.A.C. 6A:30-6.2* is present and that the public school district should be placed under partial or full State intervention, the Commissioner may seek intervention by issuing an Order to Show Cause why an administrative order for partial or full intervention, as appropriate, should not be implemented pursuant to the procedures set forth at *N.J.A.C. 6A:30-6.3* or 6.6.

4. If a State-operated public school district meets the factors for initiating return of one or more components of school district effectiveness to local control pursuant to *N.J.A.C. 6A:30-7.1*, the Commissioner shall recommend to the State Board that the process for initiating transition to local control of those components of public school district functioning be initiated pursuant to *N.J.A.C. 6A:30-7.2*, and that the public school district be placed under partial State intervention with respect to the remaining components of public school district functioning.

5. If a State-operated public school district does not meet the factors for initiating return of any components of school district effectiveness to local control pursuant to *N.J.A.C. 6A:30-7.1*, the Commissioner shall recommend to the State Board that the public school district shall operate under full State intervention.

## **SUBCHAPTER 9. OBSERVATION OF INSTRUCTIONAL PRACTICES AND EVALUATION OF PUBLIC SCHOOL DISTRICT FACILITIES**

### **§ 6A:30-9.1 Observation of instructional practices and evaluation of public school district facilities**

Nothing in this chapter shall limit the ability of the Department to monitor public school district practices by, among other things, conducting on-site visits to observe instructional practices and school facilities, or to take other such action as in the judgment of the Commissioner or his or her designee, may be warranted to ensure the satisfaction of any statutory or constitutional obligation.

## **SUBCHAPTER 10. APPEALS**

### **§ 6A:30-10.1 Appeal process**

A public school district may appeal decisions of the Commissioner to the State Board pursuant to the provisions set forth at *N.J.A.C. 6A:4*.